



SEEING BEYOND

Investing in State Leadership: Improving Communities



July 11, 2007

October 14, 2009

Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Broadband Industry Practices (WC Docket No. 07-52)

Dear Chairman Genachowski,

As a Representative serving the people of the 132nd district in the General Assembly of the State of Georgia, I take an interest in many issues that affect my constituents. As President of the National Black Caucus of State Legislators ("NBCSL"), I sometimes take a broader view, but always with an eye to policies that open doors, provide access and educate our membership. For both of my roles, telecommunications policy has grown in importance over the years.

Over the past 30 years, NBCSL has grown from a membership of 90 to a group numbering 624 African American state legislators in 42 states, including the District of Columbia and the Virgin Islands. As a national organization, it is our priority to make the best decisions for all Americans, while we continue the fight for equality and our communities. Each year, we hold symposia on a range of policy issues to educate and inform our membership, and the resolutions that we adopt at our Annual Legislative Conference become the policies of NBCSL.

Access to technology and eradicating the digital divide are issues of great importance to my constituents, to our membership and to the nation. In December 2006, the NBCSL adopted a resolution on Telecommunications, Science and Technology that is relevant to your announced interest in net-neutrality. The resolution reads in relevant part:

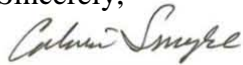
"WHEREAS, mandated net neutrality regulations would impede future capital investments in the U.S.' broadband infrastructure, which already lags behind its European and Asian counterparts, and

"WHEREAS, according to a 2006 International Telecommunications Union ("ITU") study of 2004 data, the U.S. ranked 16th in broadband penetration and could decline further as proposed net neutrality regulations places more of the cost burden onto the end user, exacerbating an already disturbing trend of a 'digital divide' within our country ...

While we are making real progress in broadband availability, I believe the concerns contained in this resolution still stand and are even more pronounced today given the importance of minority and low income communities having affordable access to broadband. Based on the outline of your net neutrality proposals, we believe that these concerns should be given substantial weight before any regulation is proposed. It is important that all of our citizens have access, of course, but it is also vitally important that as upgrades, innovations and enhancements are made, those same citizens have affordable access to the robust networks that deliver such innovations, upgrades and enhancements.

Before you take regulatory action, I hope you will carefully consider the potential impact that net neutrality regulations will have on our competitiveness, on investment in fast networks and importantly on the issue of access and adoption for all communities to this important technology and infrastructure.

Sincerely,

A handwritten signature in cursive script, appearing to read "Calvin Smyre".

Representative Calvin Smyre (GA)
NBCSL President